

LEICESTERSHIRE POLICE AUTHORITY

Response to Consultation Paper “Policing in the 21st Century: Reconnecting Police and the People”

Introduction

1. Recognising that it is government policy to replace Police Authorities with an elected Commissioner and that the Consultation Paper makes clear that the consultation does not require responses on whether or not that is a good idea, Leicestershire Police Authority provides this response on the premise of how governance can be made better in the new arrangements rather than using it as an opportunity to criticise the proposal.
2. This response has been provided following a discussion of the Consultation Paper by all Members of the Authority.

Consultation Questions:

CHAPTER 2

General comments in this chapter not addressed via your questions:

- a) Each Commissioner is going to be very busy. He or she will be carrying out what 17 Police Authority members do at present. Not only will it be difficult to truly represent all communities, it will be challenging for him or her to participate effectively in the myriad of partnership working that goes on.
- b) The Commissioner for such huge “constituencies” will find it difficult to represent the diverse communities he or she serves. This is particularly the case in Leicestershire with its geographical variety and significant ethnic diversity.
- c) The model in the Paper should be tested against the CIPFA principles of good governance. Greater detail is required on the roles and functions of the Commissioners and Police and Crime Panels (“PCPs”), the capacity and capability of the structure and proper understanding of accountability relationships.
- d) In practice as responsibility will sit with one individual Commissioner, what happens if that person is ill, on holiday, or otherwise committed?
- e) The Paper mentions the power of recall – it is not clear what this is.
- f) There is no clarity about whether a number of existing functions of the Police Authority will transfer to the Commissioner. For instance there is no mention of responsibility for running the Independent Custody Visiting Schemes. This important function must not be overlooked.
- g) Will Commissioners have sole discretion in appointing or dismissing Chief Officers or will it still require Home Office approval (and input from the Senior Appointments Panel).
- h) The situation regarding HMIC’s membership of the Senior Appointments Panel, and its part in appointments of ACPO officers, is not dealt with in the Paper, and must be clarified.
- i) There are a number of issues around transition which need to be resolved including shadowing during any transition period, the protection, or not of Police Authority staff and the election timetable as not all Force areas have elections scheduled for 2012.
- j) Costs. Although the government has indicated it feels the new arrangements will be more cost effective than the current Police Authorities the costing exercise has to be undertaken. In our Force area there are no

elections scheduled for 2012 and the costs of the election for Commissioner will be around £1.2 million.

- k) The Paper does not address what might happen if a Commissioner stands down part way through the term. Does the by-election involve an appointment for the residue of the term or a fresh four year term? If the former, does that count as one of the individual's two terms?

1. Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?

- a) The model in the Paper lacks balance. The Chief Constable runs the organisation and spends the budget. A single person, the Commissioner, holds the Chief Constable to account. The PCP, made up of many people, holds the Commissioner, who is not in charge of the organisation, to account.
- b) Moreover, the Paper envisages that the public will hold the Force to account through regular meetings and the publication of data. In one sense it has the Commissioner as the organisational head of policing and the PCP holding the Commissioner to account. In that case, how effectively will the Commissioner hold the Chief Constable to account? Will the Commissioner be more focussed on avoiding censure by the PCP?
- c) Who will appoint each PCP? Allocating some members from local authorities will be like appointments to police authorities currently. Will those people then recruit from the community to achieve the necessary extra skills experience and diversity – much like police authorities now? Officer support for that appointment and recruitment would be needed.
- d) Who provides administrative and legal support to the PCP once fully constituted?
- e) If given discretion, will councillors be minded to appoint lay people onto the PCP or will they believe they have the necessary skills without such “external” help?
- f) Will the PCP be “council owned”? Will there be local discretion or national prescription about membership?
- g) The Commissioner should not be involved in appointing the PCP.
- h) The PCP has no real powers. The power to call a referendum on the precept seems to overlap with the other consultation process undergone in relation to council tax referenda generally.
- i) What is the point of the panel having confirmation hearings in relation to appointments where there is no power of veto. If a power of veto was inserted would it represent good appointments practice?
- j) If the HMIC is becoming a yet stronger advocate in the public interest it needs to be independent of government and police. It needs to demonstrate this with a more civilianised workforce including a non police head.
- k) The nature of HMIC role in inspecting Commissioners is unclear. Clarity is needed on whether HMIC's primary role is to advise government on policing matters or to be an advocate for the public – there is conflict here.
- l) The model for Commissioner and PCP seems to derive from the structures which exist for London's Local Government. The Committee for Standards in Public Life have published a review of the effectiveness of the structures, which should be heeded (see paras 35 et seq. of “Local Leadership and

Public Trust: Openness and Accountability in Local and London Government”).

2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

- a) It is likely that the main political parties will select candidates to stand as a Commissioner in each force area. Bearing in mind these areas will be around the size of 10 constituencies of MPs, it is highly likely that the party machine will be far more effective in generating popular support than any “independent” person could manage. Thus if the intent is truly to attract independents, some further support mechanism will need to be introduced.
- b) The 42 Commissioners are unlikely to match the profile of the population of England and Wales: it is likely to be over-representative of white males of a certain age. This will increase the likelihood that some communities will feel disconnected from their police.

3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?

- a) The prescriptive requirement for beat meetings is at odds with a government pledging not to micro-manage. Consider whether the legal duty to consult without a specific requirement would be strong enough.
- b) Are local people equipped to assess detailed performance information or are steps needed to increase awareness?
- c) Reporting on crime and anti social behaviour statistics is not straight forward and objective. There are varying ways to interpret statistics.

5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

- a) A Commissioner may conceivably not consider this a priority.

6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?

- a) The publishing of data will only be realistically comparable force to force or area to area if there is prescription about the methodology surrounding that data – otherwise comparisons will be misleading.

CHAPTER 3

General comments on this chapter not covered by the questions posed

- a) If the Commissioner is held to account by the PCP for the crime figures, you risk instilling in the Commissioner an inherent desire for the crime figures to be “good”. This will mean the true guardian of the public’s views will be the PCP.
- b) If each Commissioner chooses what figures to put in the public domain, there will be some data that only a few forces publicise – so you need to ensure that comparison across the forces on these subjects is still possible.

- a) Any performance data published by the Commissioner will not be independent from that Commissioner's wish to be re-elected.

7. Locally, what are examples of unnecessary bureaucracy within police forces and how can the service get rid of this?

8. How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?

- a) Giving the Commissioner a role in balancing inefficiencies against collection of information feels rather operational.

9. What information should HMIC use to support a more proportionate approach to their 'public facing performance role', while reducing burdens and avoiding de-facto targets?

10. How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgement within a clear framework based around outcomes?

11. How can we share knowledge about policing techniques that cut crime without creating endless guidance?

- a) It should be easy to set up an e-library of good practice that could be added to and shared so that police can dip into it and submit material for it. Perhaps something under the auspices of NCA?

CHAPTER 4

General comments on this chapter not covered by the questions posed

- a) Collaboration is not easy. It often requires the parties to put aside parochial interests in the interest of the greater good. An elected individual may find this a difficult issue to contend with, particularly around election time.

12. What policing functions should be delivered between forces acting collaboratively?

13. What are the principal obstacles to collaboration between forces or with other partners and how they can they be addressed?

- a) A Commissioner could argue he or she has a mandate to opt for local suppliers or particular working practices even if it means going it alone. They will certainly have an incentive so to argue to the local electorate.

14. Are there functions which need greater national co-ordination or which would make sense to organise and run nationally (while still being delivered locally)?

15. How can the police service take advantage of private sector expertise to improve value for money, for example in operational support, or back office functions shared between several forces, or with other public sector providers?

- a) Whilst supporting the move to secure greater efficiency and effectiveness it is important that the Home Secretary should not legislate to specify procurement arrangements unless it is a last resort – it should not restrict local innovation.

16. Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?

- a) Establishing a National Crime Agency by 2013 may mean that there is a compromise on the focus for those preparing for security at a series of major national events throughout 2012.
- b) Forces will be required to work together with the NCA to deal with national and cross border crime initiatives but it is unclear who scrutinises this work and where the dividing line will be for Commissioners.
- c) The areas proposed to be covered by the new National Crime Agency may bring into focus elements of policing currently dealt with by East Midlands Special Operations Unit. The Authority strongly supports EMSOU remaining under the control of East Midlands' police forces – see the joint consultation response of the East Midlands' Police Authorities for further details.

17. What arrangements should be in place in future to ensure that there is a sufficient pool of chief officers available, in particular for the most challenging leadership roles in the police service? Is there a role for other providers to provide training?

18. How can we rapidly increase the capability within the police service to become more business-like, with police leaders taking on a more prominent role to help drive necessary cultural change in delivering sustainable business process improvement?

CHAPTER 5

General comments on this chapter not covered by the questions posed

- a) The re-introduction of the single non emergency number 101 is applauded. But will the government meet the full costs of that implementation?

19. What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?

20. How can the Government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?

21. What more can central Government do to make the criminal justice system more efficient?

22. What prescriptions from Government get in the way of effective local partnership working?

23. What else needs to be done to simplify and improve community safety and criminal justice work locally